



State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
25 MARKET STREET
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TRENTON, NJ 08625-0112

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

GURBIR S. GREWAL
Attorney General

MICHELLE L. MILLER
Director

August 3, 2020

Via Electronic Mail & JEDS System

Honorable Robert Lougy, J.S.C.
Mercer County Civil Courthouse
175 South Broad Street, 3rd Floor
Trenton, NJ 08650

Re: Persichilli v. Atilis Gym of Bellmawr
Docket No.: MER-C-48-20

Letter Advising Court of Ongoing Contempt and
Requesting that Monetary Amounts Left "To Be
Determined" in the Court's July 24, 2020 Order Be
Determined at this Time

Dear Judge Lougy:

This office represents Plaintiff Judith M. Persichilli, R.N., B.S.N., M.A., in her official capacity as Commissioner of the New Jersey Department of Health, in this matter. Please accept this letter to notify the court of ongoing contempt by Defendant Atilis Gym and to request that the court set the monetary amounts currently undetermined from the court's July 24, 2020 Order and other relief as appropriate, including detainment.

The court is familiar with the history of this matter.

On July 20, 2020, this court entered an order enforcing Plaintiff



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Commissioner Persichilli's July 1, 2020 Modified Order directing Defendant Atilis Gym of Bellmawr to comply with the provisions of Executive Order 157. The next day, Defendant publically declared that it would not comply with the court's order. Following investigation by the Department of Health and surveillance by the Camden County Prosecutor's Office, on July 23, 2020, the Commissioner filed a motion to find Atilis Gym is contempt of this court's July 20, 2020 Order and to enforce litigant's rights. After written submissions and oral argument, on July 24, 2020, this court granted the Commissioner's motion.

Defendant is engaging in ongoing contempt. Commissioner Persichilli must draw the court's attention to Atilis Gym's wonton continued contempt. On August 1, 2020, Atilis Gym co-owners Frank Trumbetti and Ian Smith physically removed the barrier erected over the doorway¹ to Atilis Gym and reopened for business in direct violation of this court's July 24, 2020 Order. Video of Mr. Trumbetti and Mr. Smith personally defying this court's July 24, 2020 order is available through news outlets. See, e.g., <https://twitchy.com/dougp-3137/2020/08/01/owners-of-atilis-gym->

¹ As the court is aware, construction of a barrier was necessitated by Atilis Gym's prior action of removing the facility's door from its hinges with the express purpose of frustrating any efforts to enforce this court's July 24, 2020 Order.

August 3, 2020
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[in-new-jersey-break-into-own-business-to-re-open-in-defiance-of-govs-orders-video/](#) (last visited August 3, 2020).²

The Camden County Prosecutor Office's August 1, 2020 report and intel brief further demonstrate Atilis Gym's open and flagrant contempt for this court's July 24, 2020 Order. (Certification of Stephen Slocum ("Slocum Cert."), Exhibit A).³ On July 30, 2020, Ian Smith openly and publically declared that he and Frank Trumbetti would kick down the barricade at Atilis Smith and reopen on August 1, 2020. Ibid. On August 1, 2020, the Atilis Gym co-owners did just that. Ibid. Half an hour later, Atilis Gym allowed approximately fifteen patrons into its premises for use of the facilities. Ibid.

The court should compel Defendant's compliance and determine the monetary amounts from Plaintiff's July 23, 2020 contempt motion. Defendant Atilis Gym's brazen conduct is abhorrent to an organized judicial system, jeopardizes the public health and the safety of New Jersians, and must not be tolerated. As that contemptuous conduct remains ongoing, it is clear that additional sanctions and relief are necessary to coerce Atilis Gym's compliance with the court's order, up to and including

² The court may take judicial notice of these videos. N.J.R.E. 201(b).

³ Citations are to the exhibits attached to the Certification of Counsel filed herewith.

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detainment. Anyanwu, 339 N.J. Super. at 290; In re Manna, 124 N.J. Super. at 438; Essex Cnty., 133 N.J. Super. at 195. Defendant's ongoing behavior of flouting this court's order and endangering the health and safety of the people of New Jersey cannot be countenanced.

With regard to the daily monetary sanction to compel compliance for continued contempt, Commissioner Persichilli submits that an appropriate amount to impose a "'sting' on [Atilis Gym] within its reasonable economic means," Comment 4.4.3 to R. 1:10-3, would be at least \$10,000 per day. This amount is clearly within Atilis Gym's means, because, as of August 3, 2020, at 9:00 a.m., it has raised \$143,245 through a fundraiser posted on gofundme.com. (Slocum Cert., Exhibit B). This amount, though initially appearing high, is appropriate given the galling nature of Defendant's ongoing contempt and its behavior through the pendency of this matter -- Defendant has not complied with Executive Orders, with at least fourteen criminal citations (themselves included fines), with the Department of Health's original closure order and modified closure order, or with this court's orders, despite direct and repeated admonitions to do so. Indeed, rather than comply, Defendant publically demeans and mocks the court's order and has announced it intends never to comply, engaging in a fundraiser for the express purpose of continuing in

August 3, 2020

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contempt. Furthermore, Plaintiff notes that this monetary sanction to compel compliance is not to Commissioner Persichilli's financial benefit, but rather is to be paid to the State.

After finding Atilis Gym in contempt on July 24, 2020, the court directed the Commissioner to file a certification of attorney services and fees as part of its opposition to an expected stay motion and marked the other monetary amounts occasioned by Defendant's contempt as to be determined. As Atilis Gym's contempt remains ongoing, those amounts should now be set. It is clear that the court has the authority to impose monetary sanctions upon Atilis Gym for its contemptuous conduct. R. 1:10-3; Milne v. Goldenberg, 428 N.J. Super. 184, 198 (App. Div. 2012); Anyanwu v. Anyanwu, 339 N.J. Super. 278, 290 (App. Div. 2001); Essex Cnty. Welfare Bd. v. Perkins, 133 N.J. Super. 189, 195 (App. Div. 1974); In re Manna, 124 N.J. Super. 428, 438 (App. Div. 1973). Specifically, the court has express authority to require payment of attorney's fees or other monetary amounts meant to impose a "'sting' on the offending party within its reasonable economic means." Comment 4.4.3 to R. 1:10-3. Given the willfulness of Atilis Gym's ongoing contempt, monetary sanctions are appropriate.

As set forth in the Certification of Attorney Services and Fees filed herewith, Commissioner Persichilli's legal costs in connection with the July 23, 2020 contempt motion total \$4,888,

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representing actual legal work necessary for the contempt motion and occasioned by Defendant's contempt.

For the reasons set forth above, the Commissioner respectfully requests that this court set the outstanding monetary amounts from the court's July 24, 2020 Order and impose any other relief as necessary to compel Defendant's compliance with same.

Respectfully submitted,

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

By: s/ Stephen Slocum
Stephen Slocum (907802012)
Deputy Attorney General
Stephen.slocum@law.njoag.gov

c. James Mermigis, Esq.
Christopher Arzberger, Esq.

GURBIR S. GREWAL
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25 Market Street
Trenton, New Jersey 08625
Attorney for Plaintiff

Judith M. Persichilli, R.N., B.S.N., M.A.,
In her official capacity as the Commissioner
Of the Department of Health

By: Stephen Slocum (907802012)
Deputy Attorney General
(609) 376-3200
Stephen.slocum@law.njoag.gov

| | | |
|--------------------------|---|-----------------------------------|
| _____ | : | SUPERIOR COURT OF NEW JERSEY |
| JUDITH M. PERSICHILLI, | : | CHANCERY DIVISION - MERCER COUNTY |
| R.N., B.S.N., M.A., in | : | GENERAL EQUITY PART |
| her official capacity as | : | |
| Commissioner of the New | : | DOCKET NO. MER-C-48-20 |
| Jersey Department of | : | |
| Health, | : | <u>CIVIL ACTION</u> |
| | : | |
| Plaintiff, | : | CERTIFICATION OF COUNSEL |
| | : | |
| v. | : | |
| | : | |
| ATILIS GYM OF BELLMAWR, | : | |
| | : | |
| Defendant. | : | |
| _____ | : | |

I, Stephen Slocum, Deputy Attorney General, hereby certify as follows:

1. I am counsel for Plaintiff Judith M. Persichilli, R.N., B.S.N., M.A., in her official capacity as Commissioner of the New Jersey Department of Health, in this matter, and am personally familiar with the subject of this motion.

2. On August 1, 2020, the Camden County Prosecutor's Office performed surveillance of Defendant Atilis Gym of Bellmawr from 5:30 a.m. to 8:30 a.m., and prepared an Intel Brief of Atilis Gym of Bellmawr's social media activities. A true and accurate copy of the August 1, 2020 Investigation Report and Intel Brief are attached hereto as **Exhibit A**.

3. As set forth in the Investigation Report and Intel Brief, Frank Trumbetti and Ian Smith, co-owners of Atilis Gym of Bellmawr, personally kicked down the barricade to the premises on August 1, 2020, then permitted gym patrons to enter the premises for gym activities, in direct violation of this court's July 24, 2020 Order. (Exhibit A).

4. Defendant Atilis Gym of Bellmawr established a fundraiser on the website gofundme.com entitled "Atilis Bellmawr Court Relief." A true and accurate copy of a printout of the fundraiser page, printed August 3, 2020, at 9:00 a.m., is attached hereto as **Exhibit B**.

5. As set forth in the gofundme.com printout, as of August 3, 2020, at 9:00 a.m., Defendant Atilis Gym of Bellmawr had raised \$143,245 through its gofundme.com fundraiser. (Exhibit B).

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

s/ Stephen Slocum
Stephen Slocum
Deputy Attorney General

Dated: August 3, 2020

Exhibit A



CAMDEN COUNTY PROSECUTOR'S OFFICE
SUPPLEMENTAL REPORT

Page
1 of 3

| | | | | | |
|---|---------------------|---------------------------------|------------------|-------------------------------|---------------------|
| 1. Unit MAJOR CRIMES | | 2. Unit File # MC-0160-20-07 | | 3. Promis Gavel # 20004211 | |
| 4. Case Agency(s) | | | | | |
| 5. Crime OGO-OBSTRUCT GOV OPER | | 6. N.J.S. | | 7. Date 07/22/2020 | 8. Time 12:00 AM |
| 9. Location of Crime 1). Incident date & Time: (07/22/2020 12:00 AM -); Address: 363 W BROWNING RD BELLMAWR, NJ 08031; | | | | | |
| 10. Person Reporting Incident / Crime: | | | | | |
| 11. Suspect(s) | 12. Person Info(s): | | 13. Address(s): | | |
| 14. Victim(s): | 15. Person Info(s): | | 16. Address(s): | | |
| 17. Stolen / Missing Property: | | | 18. Weapon Used: | | |

NARRATIVE

Saturday, August 1, 2020

On Saturday, August 1, 2020, at approximately 5:30 A.M., I arrived at the

Camden County Prosecutor's Office

200 Federal Street,

Camden, New Jersey,

at which time I made contact with

Detective Mike Batista

Camden County Prosecutor's Office

Major Crimes Unit,

to further investigate executive order violations by

Atilis Gym

363 W. Browning Rd,

Bellmawr, New Jersey.



CAMDEN COUNTY PROSECUTOR'S OFFICE
SUPPLEMENTAL REPORT

Page
2 of 3

Case#

MC-0160-20-07

Promis Gavel#

20004211

At approximately 6:00 A.M., Detective Batista and I arrived in the area of Atilis Gym, at which time I observed the front double doors to the gym to be secured with plywood, covering the entrance of the gym. Detective Batista and I remained in the direct vicinity of Atilis Gym, our view of the parking lot and front doors of same were never blocked, hindered or obstructed in anyway thus granting us a continuous view of the gym in its entirety. Surveillance of the above location was then initiated, to which the following is a brief synopsis:

-At approximately 6:20 A.M. – One (1) Channel Three (3) CBS news van was observed in parking lot, parked directly outside of the gym. One (1) W/M sitting directly in front of Atilis gym not wearing a protective face covering. Plywood was still secured on the front entrance of Atilis Gym.

-At approximately 7:00 A.M. -Thirteen (13) unknown individuals were standing in the parking lot of Atilis Gym and approximately ten (10) vehicles parked in the parking lot. Plywood was still secured on the front entrance of Atilis Gym. Some of the individuals were not wearing protective face coverings.

-At approximately 7:58 A.M- Forty (40) unknown individuals were gathered in front of Atilis Gym and parking lot. At this time, the plywood was removed by two (2) males who resembled

Ian Smith

W/M/33

and

Frank Trumbetti

W/M/51

who are the owners of Atilis gym. By removing the plywood, this allowed the front entrance to be opened. Some of the individuals were not wearing protective face coverings.

-At approximately 8:29 A.M. -We observed a B/M stand in front of Atilis Gym entrance allowing approximately (15) individuals to enter the gym not wearing a protective face covering mask.



Furthermore, approximately half of all individuals who were observed to have entered into the gym were to be in possession of a duffel style gym bag.

During the entirety of the above surveillance Detective Batista and I observed multiple individuals that were not wearing protective face coverings, including some individuals that entered the gym.



CAMDEN COUNTY PROSECUTOR'S OFFICE
SUPPLEMENTAL REPORT

| | | | | |
|--|-------|---------------|---------------|----------|
| | Case# | MC-0160-20-07 | Promis Gavel# | 20004211 |
| | | | | |

| | | | |
|---|---|---------------------------------------|---|
| Reporting Detective KYRUS INGALLS | Reporting Detective Signature  INGALLS, KYRUS | Date of Report 8/1/2020 | Supervisor Signature  CONVERY, DENNIS |
|---|---|---------------------------------------|---|



CAMDEN COUNTY PROSECUTOR'S OFFICE



Intel Brief

Atilis Gym Bellmawr

Attached are the social media videos and posts from Saturday, August 1, 2020 regarding the owners of The Atilis Gym in Bellmawr, Ian Smith and Frank Trumbetti, kicking in the boarded up door of their facility. Also attached is the Facebook events page created by Ian Smith advertising the reopening of the gym today, in defiance, as well as a video of him speaking in the steps of the NJ State Capital on Thursday, July 30th and stating that he and his partner planned to kick the door in of the gym on Saturday and invite anyone who wants to join them to show up in support.

https://ccprosecutor-my.sharepoint.com/:v:/g/personal/carterf_ccprosecutor_org/EVIWq-xdQa5Lo0SjWeBYGcoB_vg7UadJhhMyebSMMn5cag?e=n5XC23

https://ccprosecutor-my.sharepoint.com/:v:/g/personal/carterf_ccprosecutor_org/EVIWq-xdQa5Lo0SjWeBYGcoB_vg7UadJhhMyebSMMn5cag?e=S4HO58

https://ccprosecutor-my.sharepoint.com/:v:/g/personal/carterf_ccprosecutor_org/EeypGfV13apFsalmKBdj71oB1flzd6eP_2rEtTbQ_1hnhQ?e=cZypUC

https://ccprosecutor-my.sharepoint.com/:v:/g/personal/carterf_ccprosecutor_org/EU5dVLNghKIEg3Gj0xG2DCUBaHQdjclqbiDsWRU5QZm9Ag?e=Cbec7V

31 Events

- Events
- Calendar
- Birthdays
- Discover
- Atilis Bellmawr Reopening as a PMA**
- Hosting

+ Create Event



AUG 1 Atilis Bellmawr Reopening as a PMA
Public - Hosted by Ian Andrew

★ Interested ✓ Going

➔ Share ⋮

🕒 Tomorrow at 7 AM – 4 PM
Tomorrow · 73–88°F Partly Cloudy

📍 Atilis Gym, Bellmawr, NJ
363 West Browning Rd, Bellmawr, NJ 08031 [Show Map](#)

About Discussion

146 Going · 715 Interested



Ian Andrew

1d · 🌐

Please share this post. Frank and I will be reopening Atilis after being arrested and physically locked out of building from the second time. We are reorganized as a PMA and will be pushing back against these oppressive lockdown measures.

If you can join us in support this Saturday, it is greatly appreciated. This is day 136 of the 14 days that Murphy asked us to stay closed and he crushing small businesses around the state and trampling on our Constitutional rights.

Please share and get the word out. Every little bit of help counts. Thank you all.



HAPPENING NOW

Atilis Bellmawr Reopening as a PMA

Atilis Gym, Bellmawr, NJ · Bellmawr

★ Interested

👤 You like Atilis Gym, Bellmawr, NJ

👍❤️ 299

💬 23 Comments

Exhibit B

Q Search | How it works ▾ | Start a GoFundMe



Sign in | [Share](#) [Donate](#)


Atilis Bellmawr Court Relief


\$143,245 raised of \$100,000 goal

3.1K donors | **17.3K** shares | **3.1K** followers

 [Share](#)

 [Donate now](#)

 David Schmidt
\$50 • 6 hrs

 Mark Sabo
\$25 • 6 hrs

 Jeffrey Reilly
\$20 • 6 hrs

[See all](#)

 Atilis Bellmawr Members is organizing this fundraiser on behalf of Frank Trumbetti.

Created May 18, 2020 |  Other

This fund will be for the defense of Atilis Gym Bellmawr members as well as staff and volunteers. Money will also be utilized to pay the bills for the months we have been closed due to the COVID pandemic. A few of the members, along with owners Frank and Ian were served with summons throughout the week. The Atilis Bellmawr Attorney Kevin Barry will be representing all of our staff and members who incur any charges. This fund is to support the efforts to reopen and stay open, as well as assist in any financial hardships the staff or members endure due to the shutdown. From the bottom of our hearts we thank every one of you for supporting us through this tough time- and we are thankful for any funds donated to us. All money not used will be donated to other businesses who have been fined for reopening.

Donate

Share

Organizer and beneficiary



Atilis Bellmawr Members

Organizer
Bellmawr, NJ



Frank Trumbetti
Beneficiary

Contact

 [Report fundraiser](#)



#1 FUNDRAISING PLATFORM

People have raised more money on GoFundMe than anywhere else. [Learn more](#)



GOFUNDME GUARANTEE

In the rare case that something isn't right, we will refund your donation. [Learn more](#)



EXPERT ADVICE, 24/7

Contact us with your questions and we'll answer, day or night. [Learn more](#)



Choose your language

English (US)



FUNDRAISE FOR

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[Emergency](#)

[Memorial](#)

[Education](#)

[Nonprofit](#)

[LEARN MORE](#)

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[Legal](#)



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Attorney for Plaintiff

Judith M. Persichilli, R.N., B.S.N., M.A.,
In her official capacity as the Commissioner
Of the Department of Health

By: Stephen Slocum (907802012)
Deputy Attorney General
(609) 376-3200
Stephen.slocum@law.njoag.gov

| | | |
|--------------------------|---|-----------------------------------|
| _____ | : | SUPERIOR COURT OF NEW JERSEY |
| JUDITH M. PERSICHILLI, | : | CHANCERY DIVISION - MERCER COUNTY |
| R.N., B.S.N., M.A., in | : | GENERAL EQUITY PART |
| her official capacity as | : | |
| Commissioner of the New | : | DOCKET NO. MER-C-48-20 |
| Jersey Department of | : | |
| Health, | : | <u>CIVIL ACTION</u> |
| | : | |
| Plaintiff, | : | CERTIFICATION OF |
| | : | ATTORNEY SERVICES AND FEES |
| v. | : | |
| | : | |
| ATILIS GYM OF BELLMAWR, | : | |
| | : | |
| Defendant. | : | |
| _____ | : | |

I, Stephen Slocum, Deputy Attorney General, hereby certify as follows:

1. I am counsel for Plaintiff Judith M. Persichilli, R.N., B.S.N., M.A., in her official capacity as Commissioner of the New Jersey Department of Health, in this matter, and am personally familiar with the subject of this motion.

2. By Order dated July 20, 2020, this court enforced Plaintiff's July 1, 2020 Modified Order closing Defendant Atilis Gym of Bellmawr.

3. In its order, the court noted that Plaintiff may pursue contempt-of-court proceedings to ensure compliance with the court's July 20, 2020 Order.

4. The court's July 20, 2020 Order provided in pertinent part: "If Plaintiff returns to court to enforce this Order, counsel shall include a certification of attorney services and fees."

5. Plaintiff filed a second contempt motion on July 23, 2020.

6. Plaintiff's July 23, 2020 contempt motion did not include a certification of attorney services, due to the emergent nature of the filing.

7. Plaintiff specifically did not waive the right to pursue a fee application.

8. During the court's decision on July 24, 2020, the court confirmed that Plaintiff may still submit its pending certification of attorney services.

9. Plaintiff now submits its certification of attorney services and fees in connection with the July 23, 2020 motion.

10. In preparing the July 23, 2020 contempt motion, Plaintiff's counsel, the undersigned, expended a total of 20.8 hours of combined legal service, broken down as follows:

July 21, 2020

| Legal Service | Time in Hours |
|---|----------------------|
| Legal research; drafting pleadings | 3.3 |
| Conference with client and/or Department of Law and Public Safety personnel | 3.4 |
| Correspondence with local health department | 0.9 |

July 22, 2020

| Legal Service | Time in Hours |
|--|----------------------|
| Review of exhibits and factual sources | 0.6 |
| Legal research; updating drafts | 2.1 |
| Conference with client and/or Department of Law and Public Safety personnel | 3.4 |
| Correspondence with chambers, providing courtesy call of pending emergent filing | 0.2 |

July 23, 2020

| Legal Service | Time in Hours |
|--|----------------------|
| Updating drafts; finalizing pleadings; preparing filing | 1.1 |
| Conference with client and/or Department of Law and Public Safety personnel | 0.6 |
| Filing emergent pleading | 0.2 |
| Correspondence with chambers and opposing county regarding emergent pleading | 0.4 |

July 24, 2020

| Legal Service | Time in Hours |
|---------------------------------|----------------------|
| Review of Defendant's pleadings | 0.2 |
| Preparation for oral argument | 0.6 |
| Oral argument | 1.3 |

| | |
|--|-----|
| Conference with client and Department of Law and Public Safety personnel regarding argument, decision, and enforcement | 2.2 |
| Correspondence with Defense counsel and court after oral argument | 0.3 |

11. These work hours were necessary to file the July 23, 2020 contempt motion and constitute only appropriate professional work of a licensed attorney of the State of New Jersey.

12. These work hours represent only the work performed by the undersigned.

13. Pursuant to Department of Law and Public Safety, Division of Law, Uniform Rates of Compensation, the hourly rate for legal services performed by the undersigned is \$235. This rate reflects the undersigned's position as a Deputy Attorney General with between six and ten years of experience as a licensed attorney -- specifically, the undersigned has been a practicing attorney since 2012, with no inactive periods in that time.

14. At the hourly rate of \$235, Plaintiff's counsel's total **20.8 hours** of combined legal service provided corresponds to a fee of **\$4,888**.

15. This total, combined fee of **\$4,888** represents actual legal work necessary for the July 23, 2020 contempt motion and occasioned by Defendant's contempt.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

s/ Stephen Slocum
Stephen Slocum
Deputy Attorney General

Dated: August 3, 2020

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY
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P.O. Box 112
25 Market Street
Trenton, New Jersey 08625
Attorney for Plaintiff

Judith M. Persichilli, R.N., B.S.N., M.A.,
In her official capacity as the Commissioner
Of the Department of Health

By: Stephen Slocum (907802012)
Deputy Attorney General
(609) 376-3200
Stephen.slocum@law.njoag.gov

| | | |
|--------------------------|---|-----------------------------------|
| _____ | : | SUPERIOR COURT OF NEW JERSEY |
| JUDITH M. PERSICHILLI, | : | CHANCERY DIVISION - MERCER COUNTY |
| R.N., B.S.N., M.A., in | : | GENERAL EQUITY PART |
| her official capacity as | : | |
| Commissioner of the New | : | DOCKET NO. MER-C-48-20 |
| Jersey Department of | : | |
| Health, | : | <u>CIVIL ACTION</u> |
| | : | |
| Plaintiff, | : | ORDER GRANTING FESS |
| | : | AND SETTING MONETARY AMOUNTS |
| v. | : | |
| | : | |
| ATILIS GYM OF BELLMAWR, | : | |
| | : | |
| Defendant. | : | |
| _____ | : | |

This matter having been brought to the Court by Gurbir S. Grewal, Attorney General of New Jersey, by Stephen Slocum, Deputy Attorney General, attorney for Plaintiff Judith M. Persichilli, R.N., B.S.N., M.A., in her official capacity as Commissioner of the New Jersey Department of Health, by notice of ongoing contempt of this court's July 24, 2020 Order, and James Mermigis, Esq., and Christopher Arzberger, Esq., counsel for Defendant Atilis Gym of

Bellmawr, on notice, and the court having considered the papers submitted and the arguments of counsel, if any, and for good cause shown:

It is on this ___ day of _____, 2020 **ORDERED** that:

1. For Defendant's ongoing contempt on the days of August 1, 2, and 3, 2020, Judgment is hereby entered in favor of the State of New Jersey, against Defendant Atilis Gym of Bellmawr, Frank Trumbetti, and Ian Smith, jointly and severally, in the amount of \$_____.

2. For each day which Defendant remains in contempt of court and fails to wholly comply with all terms of this court's July 24, 2020 Order, Defendant shall pay to the State of New Jersey the additional sum of \$_____, which the court finds reasonable and calculated to compel Defendant's compliance.

3. Judgment is hereby entered in favor of the State of New Jersey, against Defendant Atilis Gym of Bellmawr, Frank Trumbetti, and Ian Smith, jointly and severally, in the amount of \$_____, representing judicial costs occasioned by Defendant's contempt, which the court finds reasonable and owed.

4. Judgment is hereby entered in favor of the State of New Jersey, against Defendant Atilis Gym of Bellmawr, Frank Trumbetti, and Ian Smith, jointly and severally, in the amount of \$4,888, representing attorney's services and fees occasioned by

Defendant's contempt, as certified by Plaintiff's counsel, and which the court finds reasonable and owed.

5. Except as modified through the determination of monetary amounts set forth above, all terms and provisions of this court's July 24, 2020 Order remain in effect.

6. _____

_____.

7. Plaintiff's counsel shall serve a copy of this Order upon all interested parties and attorneys of record within _____ days from the receipt thereof.

8. This Order shall be deemed served upon receipt from a Judiciary email account (xxx@njcourts.gov).

Hon. Robert Lougy, P.J.Ch.

____ Opposed
____ Unopposed